



#09310-00200-00351

Comments: \_\_\_\_\_ Application Number: \_\_\_\_\_ Commission/Group: \_\_\_\_\_  
 Date Received: 14 Dec 2009 Planning Area: \_\_\_\_\_  
 Date of Hearing: 23 Feb 2010 Acreage: \_\_\_\_\_  
 Zoning Fee: \$1900 Address Fee: \_\_\_\_\_  
 Existing Zoning: \_\_\_\_\_ Accepted by: [Signature]

## BOARD OF ZONING ADJUSTMENT APPLICATION

### TYPE(S) OF ACTION REQUESTED

(Check all that apply)

☒ Variance ☐ Special Permit

Indicate what the proposal is and list applicable code sections. State what it is you are requesting.

Describe: C.C. 3342.07 to not provide drive-in bypass lane. C.C. 3342.15 to permit off-site maneuvering for southernmost parking spaces. C.C. 3342.28 to reduce minimum parking requirement 31 to 27.

### LOCATION

1. Certified Address Number and Street Name 8663 Sancus Boulevard  
 City Columbus State Ohio Zip 43240  
 Parcel Number (only one required.) □□□-□□□□□□□□  
 Delaware County, 31843301018001

### APPLICANT (IF DIFFERENT FROM OWNER)

2. Name Cela Re Investments, LLC  
 3. Address 3700 Bainbridge Mills Dr. City Powell Zip 43065  
 4. Phone# \_\_\_\_\_ Fax # \_\_\_\_\_  
 5. Email Address \_\_\_\_\_

### PROPERTY OWNER(S)

6. Name Northern Lights Shopping Center, Inc.  
 7. Address 191 W. Nationwide Blvd., Suite 200 City Columbus Zip 43215  
 8. Phone# \_\_\_\_\_ Fax # \_\_\_\_\_  
 9. Email Address \_\_\_\_\_

☐ Check here if listing additional property owners on a separate page

### ATTORNEY / AGENT (CIRCLE ONE)

10. Name Jeffrey L. Brown / David Hodge / Smith & Hale LLC  
 11. Address 37 W. Broad St., Suite 725 City Columbus Zip 43215  
 12. Phone# 221-4255 Fax # 221-4409  
 13. Email Address \_\_\_\_\_

### SIGNATURES

14. Applicant Signature Cela Re Investments, LLC By: David Hodge  
 15. Property Owner Signature Northern Lights Shopping Center, Inc. By: David Hodge  
 16. Attorney/Agent Signature \_\_\_\_\_ By: David Hodge

Date

Application #

City of Columbus | Department of Development | Building Services Division | 757 Cardyn Avenue, Columbus, Ohio 43224



## AFFIDAVIT

(See next page for instructions.)

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME David Hodge

of (1) MAILING ADDRESS 37 W. Broad St., Suite 725, Columbus, OH 43215

deposed and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at

(2) per ADDRESS CARD FOR PROPERTY 8663 Sancus Boulevard

for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Development, Building Services Division on (3) \_\_\_\_\_

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNER'S NAME  
AND MAILING ADDRESS

(4) Northern Lights Shopping Center, Inc.

191 W. Nationwide Blvd., Suite 200

Columbus, OH 43215

APPLICANT'S NAME AND PHONE #  
(same as listed on front of application)

Cela Re Investments, LLC

AREA COMMISSION OR CIVIC GROUP  
AREA COMMISSION ZONING CHAIR OR  
CONTACT PERSON AND ADDRESS

(5) Far North Columbus Communities Coalition

c/o Mr. Daniel Province

8147 Flint Rd., Columbus, OH 43235

and that the following is a list of the names and complete mailing addresses, including zip codes, as shown on the County Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125 feet of the exterior boundaries of the property for which the application was filed, and all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property:

(6) PROPERTY OWNER(S) NAME (6A) ADDRESS OF PROPERTY (6B) PROPERTY OWNER(S) MAILING ADDRESS  
Please see attached list.

☐ (7) Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT

(8)

David Hodge

Subscribed to me in my presence and before me this 14th day of December, in the year 2009

SIGNATURE OF NOTARY PUBLIC

(8)

Aaron L. Underhill

My Commission Expires: \_\_\_\_\_

Notary Seal Here



AARON L. UNDERHILL  
ATTORNEY AT LAW  
Notary Public, State of Ohio  
My Commission Has No Expiration  
Section 147.03 R.C.

**APPLICANT**

Cela Re Investments, LLC  
3700 Bainbridge Mills Dr.  
Powell, OH 43065

**PROPERTY OWNER**

Northern Lights Shopping Center, Inc.  
191 W. Nationwide Blvd., Suite 200  
Columbus, OH 43215

**ATTORNEY**

Jeffrey L. Brown  
37 W. Broad St., Ste. 725  
Columbus, OH 43215

**Area Commission/  
Civic Association**

Far North Columbus Communities  
Coalition  
c/o Mr. Daniel Province  
8147 Flint Rd.  
Columbus, OH 43235

**SURROUNDING PROPERTY  
OWNERS**

Cort Venture LLC  
8600 Sancus Blvd.  
Columbus, OH 43240

Columbus Corporate Center Inc.  
191 W. Nationwide Blvd., Ste. 200  
Columbus, OH 43215

NP Limited Partnership  
8000 Lyra Dr. #550  
Columbus, OH 43240

City of Columbus  
Real Estate Management  
90 W. Broad St.  
Columbus, OH 43215

Bank One NA  
c/o Industry Consulting  
P.O. Box 810490  
Dallas, TX 75381

Polaris Center LLC  
1177 Polaris Parkway  
Columbus, OH 43240



## STATEMENT OF HARDSHIP

APPLICATION # \_\_\_\_\_

### 3307.09 Variances by Board.

- A. The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). No variance shall be granted unless the Board finds that all of the following facts and conditions exist:
1. That special circumstances or conditions apply to the subject property that do not apply generally to other properties in the same zoning district.
  2. That the special circumstances or conditions are not the result of the actions of the property owner or applicant.
  3. That the special circumstances or conditions make it necessary that a variance be granted to preserve a substantial property right of the applicant which is possessed by owners of other property in the same zoning district.
  4. That the grant of a variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of this Zoning Code.
- B. In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.
- C. Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

I have read Section 3307.09, Variances by Board, and believe my application for relief from the requirements of the Zoning Code satisfies the four criteria for a variance in the following ways:

Please see attached statement.

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## **Statement of Hardship**

### **8663 Sancus Boulevard**

The applicant is requesting a set of development standard area variances to accommodate the appropriate development of the above-referenced property. The following variances are requested:

Columbus City Code Section 3342.07, Drive-in stacking area, requires sites with stacking to include an aisle, driveway or other circulation area to allow vehicles to by-pass a stacking lane, where the applicant is requesting to develop the site without a by-pass lane.

Columbus City Code Section 3342.15, Maneuvering, requires every parking space to have sufficient maneuvering area on the lot, where the applicant is requesting to provide a portion of the maneuvering area for the southernmost parking spaces to occur in the existing drive aisle to the south.

Columbus City Code Section 3342.28, Minimum number of parking spaces required, requires this restaurant use to provide 31 parking spaces, where the applicant is requesting to provide 27.

Development of this property with these reduced development standards is appropriate and will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of the Zoning Code.

The applicant respectfully requests the grant the requested variances.

Cela Re Investments, LLC

Signature of Applicant: By: David Hogg

Date: December 14, 2009



Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

## PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.  
THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

STATE OF OHIO APPLICATION # \_\_\_\_\_  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) David Hodge  
of (COMPLETE ADDRESS) 37 W. Broad St., Suite 725, Columbus, OH 43215  
deposes and states that (he/she) is the APPLICANT, AGENT or DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application and their mailing addresses:

NAME COMPLETE MAILING ADDRESS

Cela Re Investments, LLC  
3700 Bainbridge Mills Dr., Powell, OH 43065

Northern Lights Shopping Center, Inc.  
191 W. Nationwide Blvd., Suite 200, Columbus, OH 43215

SIGNATURE OF AFFIANT David Hodge

Subscribed to me in my presence and before me this 14th day of December, in the year 2009

SIGNATURE OF NOTARY PUBLIC Aaron Underhill

My Commission Expires: \_\_\_\_\_

Notary Seal Here



AARON L. UNDERHILL  
ATTORNEY AT LAW  
Notary Public, State of Ohio  
My Commission Has No Expiration  
Section 147.03 R.C.



### Description of a 0.491 Acre Tract

Situated in the State of Ohio, County of Delaware, City of Columbus, being part of Farm Lot 12, Section 4, Township 3, Range 18, United States Military Lands, being 0.491 acres out of Farm Lot 12, being a 0.491 acre tract of land that lies over and across a 7.620 acre tract of land described in a deed to Northern Lights Shopping Center, Inc. of record in Official Record Volume 632, Pages 400 and 404, and being more particularly described as follows:

**COMMENCING** for reference at Franklin County Geodetic Survey Monument 1435 at the intersection of the centerline of Sancus Boulevard of record in Plat Cabinet 1, Slides 129 and 130 and the centerline of Lazelle Road (County Road 6);

Thence North  $03^{\circ}01'37''$  East with the centerline of said Sancus Boulevard, a distance of 1536.52 feet to a monument box found;

Thence continuing with the centerline of said Sancus Boulevard and with the arc of a curve to the right having a radius of 1000.00 feet, a central angle of  $09^{\circ}19'01''$ , a chord bearing of North  $07^{\circ}41'08''$  East, a chord distance of 162.43 feet, and an arc length of 162.61 feet to a point;

Thence North  $77^{\circ}39'22''$  West crossing said Sancus Boulevard right of way, a distance of 40.00 feet to an iron pin set on the westerly right of way line of said Sancus Boulevard, being on the easterly line of said 7.620 acre tract, and being the **TRUE POINT OF BEGINNING** of the tract to be described;

Thence crossing said 7.620 acre tract with the following three (3) courses and distances:

- 1.) North  $78^{\circ}35'49''$  West, a distance of 70.36 feet to an iron pin set;
- 2.) North  $87^{\circ}01'30''$  West, a distance of 132.74 feet to an iron pin set;
- 3.) North  $08^{\circ}30'49''$  West, a distance of 127.71 feet to an iron pin set on the northerly line of said 7.620 acre tract and being on the southerly line of a 0.319 acre tract of land described in a deed to Banc One Management Corporation of record in Official Record Volume 650, Page 107;

Thence South  $73^{\circ}21'50''$  East with the northerly line of said 7.620 acre tract and the southerly line of said 0.319 acre tract, a 0.059 acre tract of land described in a deed to City of Columbus of record in Official Record Volume 138, Page 696, and a 0.185 acre tract of land described in a deed to City of Columbus of record in Official Record Volume 80, Page 1826, a distance of 230.41 feet to a 1" iron pipe found with an EDG cap at a northeasterly corner of said 7.620 acre tract, being on the southerly line of said 0.185 acre tract, and being at the northwesterly corner of a 0.004 acre tract of land described in a deed to City of Columbus of record in Official Record Volume 172, Page 703;

Thence South  $32^{\circ}56'18''$  East with a northeasterly line of said 7.620 acre tract and the southwesterly line of said 0.004 acre tract, a distance of 26.46 feet to a mag nail found

at a northeasterly corner of said 7.620 acre tract, being at the southeasterly corner of said 0.004 acre tract, and being on the westerly right of way line of said Sancus Boulevard;

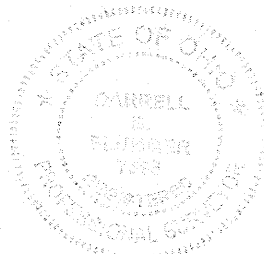
Thence with the easterly line of said 7.620 acre tract, with the westerly right of way line of said Sancus Boulevard, and with the arc of a curve to the left having a radius of 1040.00 feet, a central angle of 03°20'48", a chord bearing of South 14°01'02" West, a chord distance of 60.74 feet, and an arc length of 60.75 feet to the true point beginning containing 0.491 acres of land, more or less.

**Basis of Bearings:** Bearings are based on data acquired by GPS observations as per NAD 83 (1995)-Ohio State Plane Coordinate System-North Zone from the Delaware County Geodetic Control Monumentation.

All iron pins set are 5/8" rebars 30" in length with an orange plastic cap stamped "Floyd Browne Group".

The above description is based on and referenced to an exhibit titled "0.491 Acres" prepared by Floyd Browne Group, attached hereto and made a part hereof. All references are to the records of the Recorder's Office, Delaware County, Ohio.

Darrell B. Plummer 12/2/09  
Darrell B. Plummer, P.S. Date  
Professional Surveyor No. 7595



DESCRIPTION FOR CLOSING ONLY	
<input type="checkbox"/>	RPC Approval Required
<input checked="" type="checkbox"/>	Municipal Approval Required
Delaware County Engineer	



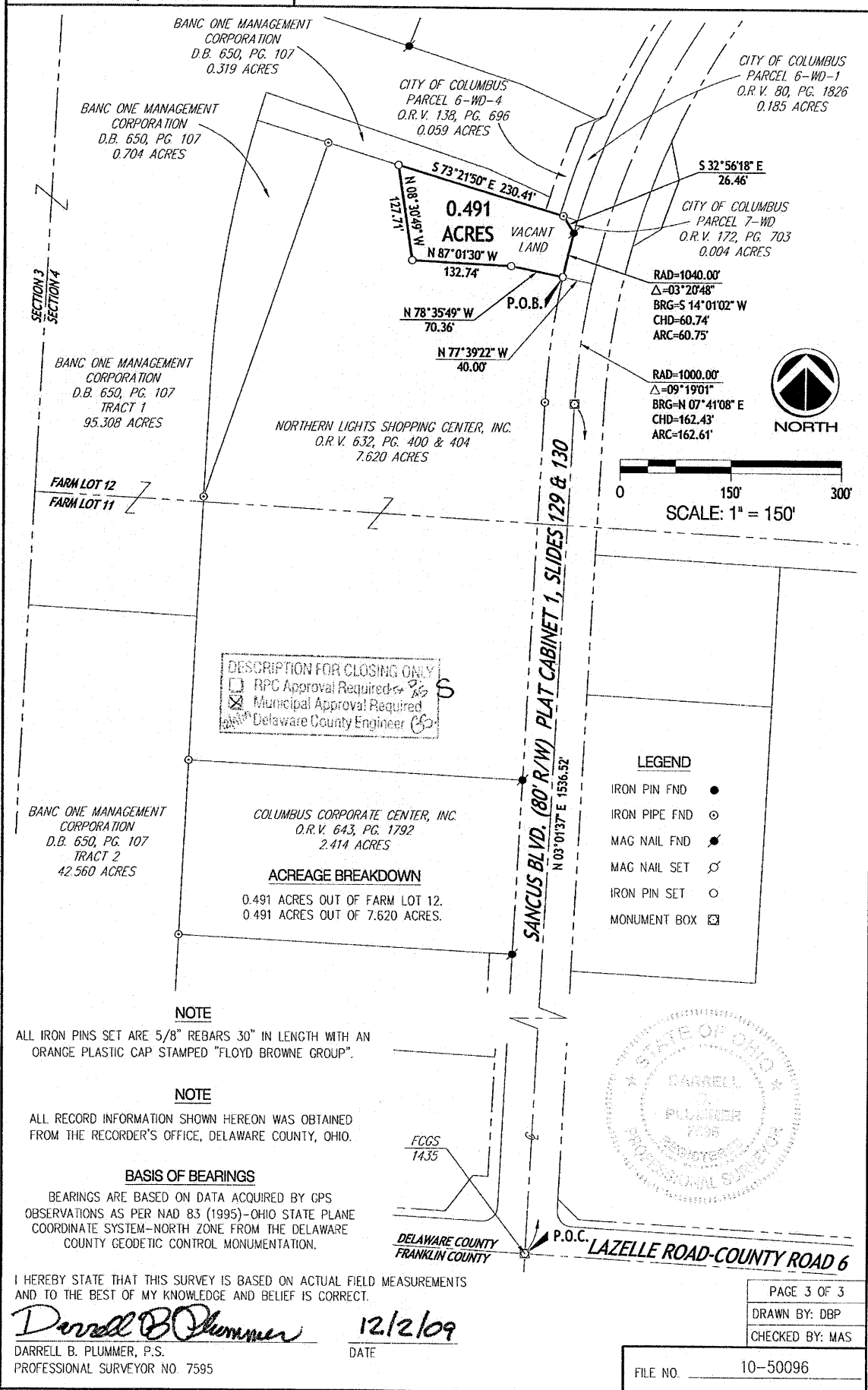
Solutions for Your World  
www.FloydBrowne.com

Central Ohio  
740.363.6792  
740.363.6536 fax  
800.325.7647

PLAT OF SURVEY FOR

**0.491 ACRES**

SITUATED IN THE STATE OF OHIO, COUNTY OF DELAWARE, CITY OF COLUMBUS,  
BEING PART OF FARM LOT 12, SECTION 4, TOWNSHIP 3, RANGE 18,  
UNITED STATES MILITARY LANDS.



J:\PROJECTS\CASTO\10-50096\SRV\DWGS-DOCS\PLAT 10-50096 (0.491 AC).DWG - 12/2/2009 3:27:53 PM



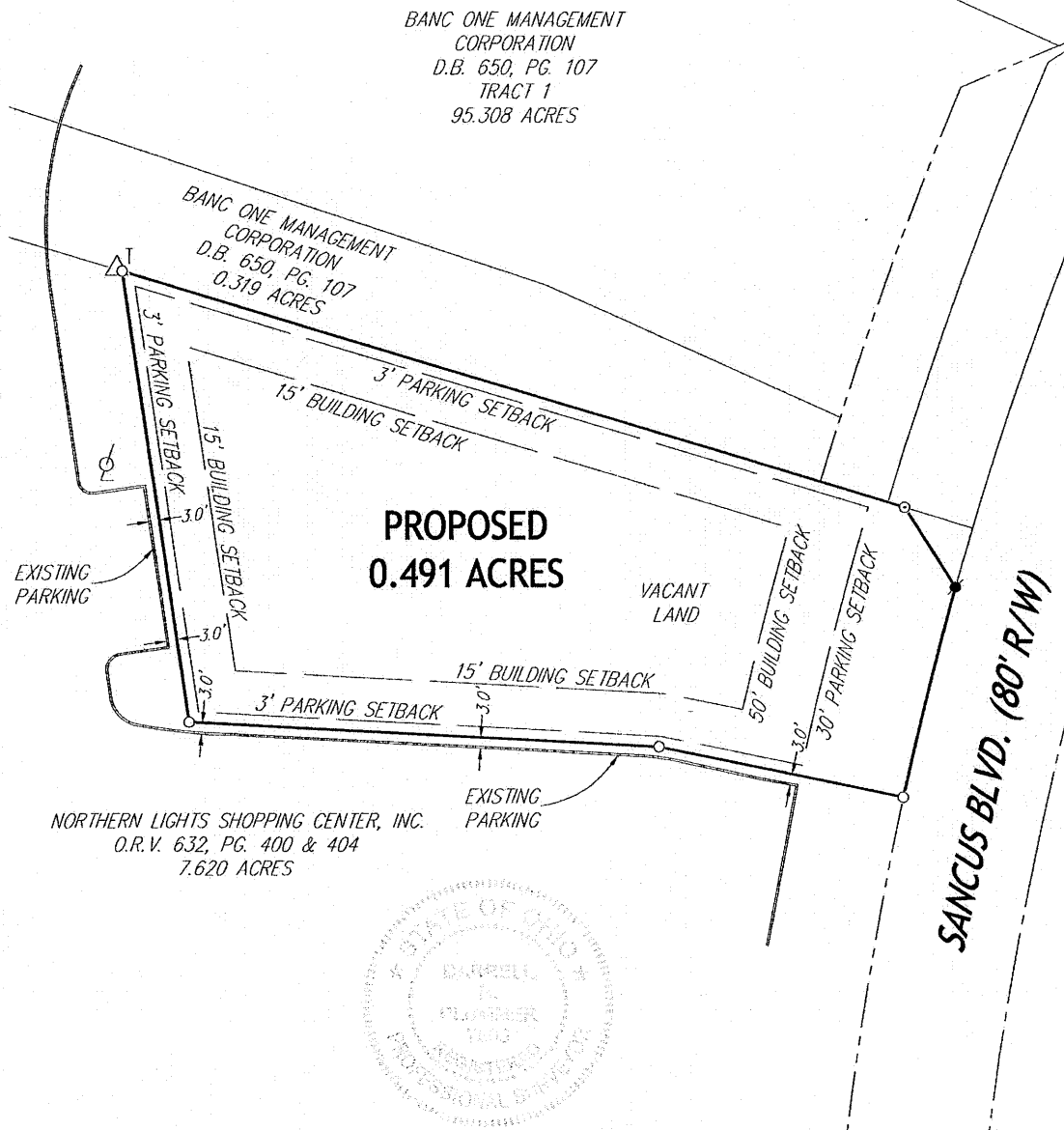
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740.363.6792  
740.363.6536 fax  
800.325.7647

DETAIL EXHIBIT FOR

## PROPOSED 0.491 ACRES

SITUATED IN THE STATE OF OHIO, COUNTY OF DELAWARE, CITY OF COLUMBUS,  
BEING PART OF FARM LOT 12, SECTION 4, TOWNSHIP 3, RANGE 18,  
UNITED STATES MILITARY LANDS.



### NOTE

ALL IRON PINS SET ARE 5/8" REBARS 30" IN LENGTH WITH AN ORANGE PLASTIC CAP STAMPED "FLOYD BROWNE GROUP".

### NOTE

ALL RECORD INFORMATION SHOWN HEREON WAS OBTAINED FROM THE RECORDER'S OFFICE, DELAWARE COUNTY, OHIO.

### BASIS OF BEARINGS

BEARINGS ARE BASED ON DATA ACQUIRED BY GPS OBSERVATIONS AS PER NAD 83 (1995)-OHIO STATE PLANE COORDINATE SYSTEM-NORTH ZONE FROM THE DELAWARE COUNTY GEODETIC CONTROL MONUMENTATION.

### LEGEND

- IRON PIN FND ●
- IRON PIPE FND ○
- MAG NAIL FND ✱
- MAG NAIL SET ✱
- IRON PIN SET ○
- MONUMENT BOX □
- TELE PEDESTAL △
- LIGHT POLE ⊕



0 40' 80'  
SCALE: 1" = 40'

I HEREBY STATE THAT THIS SURVEY IS BASED ON ACTUAL FIELD MEASUREMENTS AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS CORRECT.

*Darrell B. Plummer*  
DARRELL B. PLUMMER, P.S.  
PROFESSIONAL SURVEYOR NO. 7595

DATE

12/3/09

PAGE 1 OF 1

DRAWN BY: DBP

CHECKED BY: MAS

FILE NO. 10-50096

J:\PROJECTS\CASTO\10-50096\SRVY\DWGS-DOCS\EXBT 10-50096 (0.491 AC).DWG - 12/4/2009 4:10:10 PM

December 10, 2005



Scale: 1" = 20'-0"



SULLIVAN BRUCK  
ARCHITECTS



# City of Columbus Zoning Plat

## ZONING NUMBER

The Zoning Number Contained on This Form  
is Herein Certified to Obtain Zoning, Rezoning,  
and Variances, and is NOT to be Used for  
the Securing of Building & Utility Permits

Parcel ID: 31843301018001

Zoning Number: 8663

Street Name: SANCUS BLVD

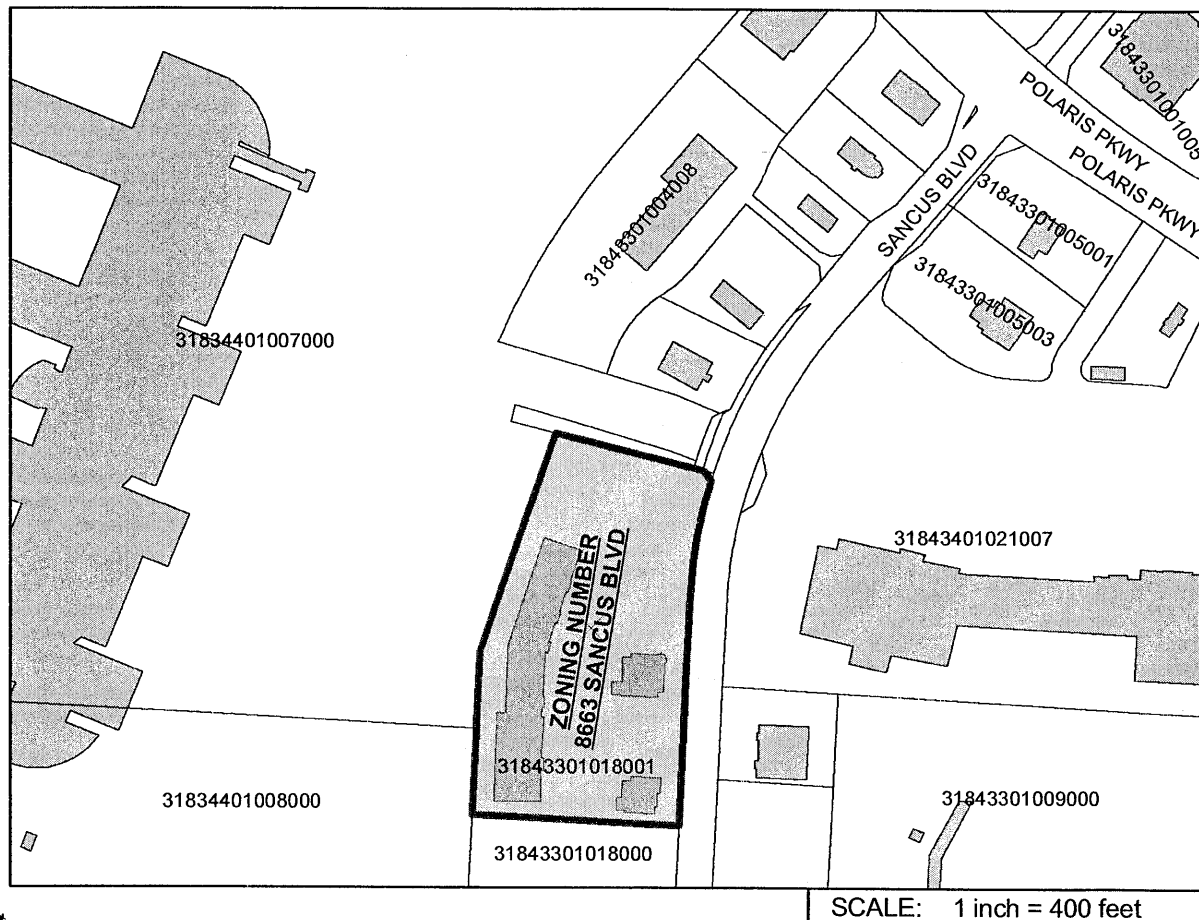
Lot Number: N/A

Subdivision: N/A

Requested By: SMITH & HALE

Issued By: Adyana Amarian

Date: 12/8/2009

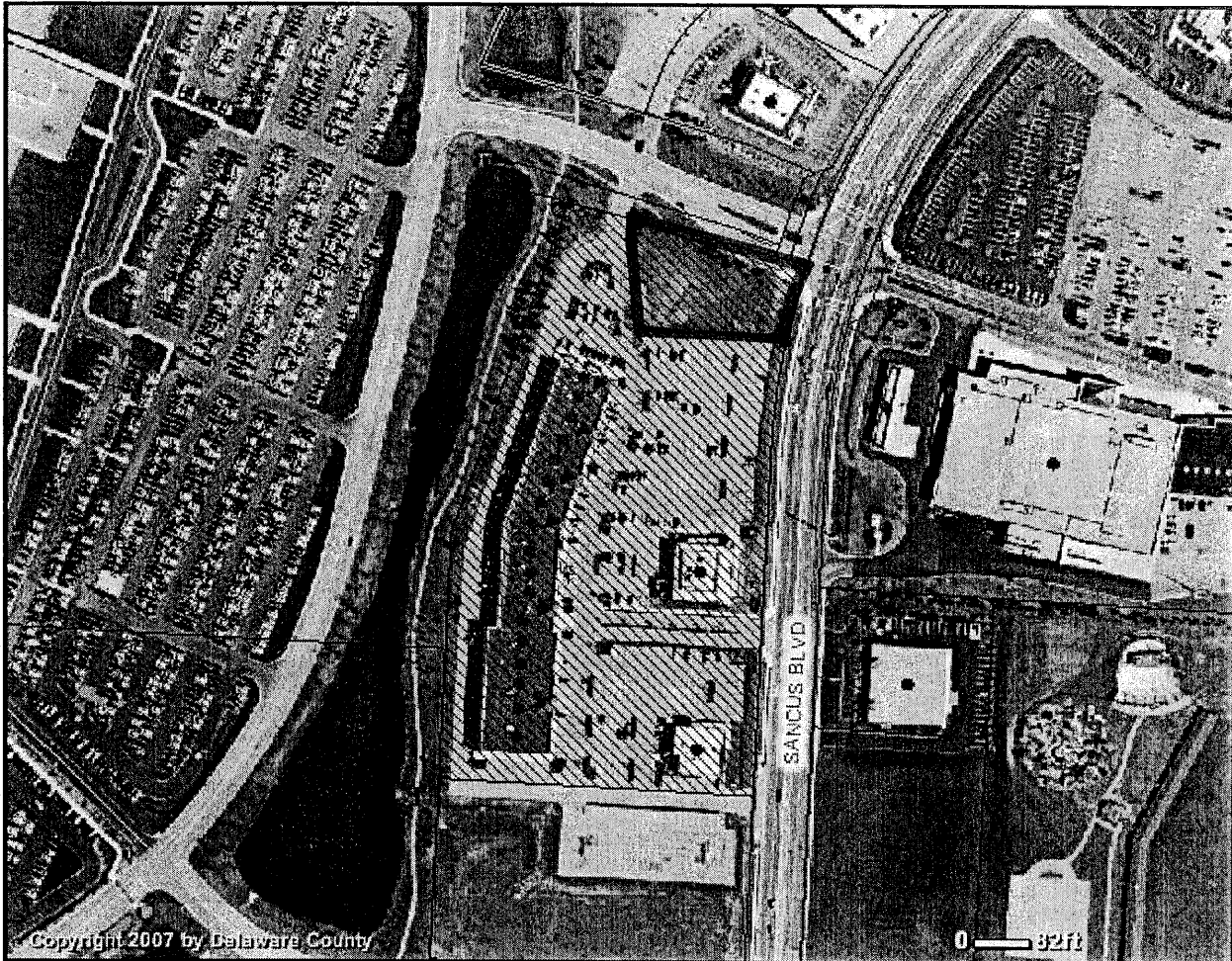


SCALE: 1 inch = 400 feet

GIS NOS FILE NUMBER: 2246



PATRICIA A. AUSTIN, P.E., ADMINISTRATOR  
DIVISION OF PLANNING AND OPERATIONS  
COLUMBUS, OHIO

**Delaware County Auditor's GIS Office****Disclaimer**

Information contained within this map may be used to generally locate, identify and inventory land parcels within Delaware County. Delaware County cannot warrant or guarantee the information contained herein, including, but not limited to its accuracy or completeness. The map parcel lines shown are approximate and this information cannot be constructed or used as a legal description of a parcel. To view recorded documents, visit County Recorder's website at <http://www.co.delaware.oh.us/recorder/index.html>

Aerial photo is current as of April 2008.

Printed on 12/8/2009 10:04:48 AM

Prepared by: Delaware County Auditor's GIS Office.